

David A. Birdsell, Trustee
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:)
) CHAPTER 7
)
ROBERTS, DESHANDA) Case No.: 2:17-bk-02651-DPC
)
) TRUSTEE'S NOTICE OF
) TRUSTEE'S MOTION TO RETAIN
) ASSETS AFTER CLOSING OF THE
) CASE

David A. Birdsell, Chapter 7 Trustee, has moved the court for an order that certain property shall not be deemed abandoned pursuant to 11 U.S.C. Sec. 554(c) upon closing this bankruptcy case.

On November 6, 2017 the Court entered an Order of Turnover against the Debtor (Docket #30). On August 31, 2020 the Court entered a default Judgment against the Debtor revoking her discharge (Adv. #19-AP-00267-DPC (Docket #26). Fed R.Bankr.P. 5009 states that in a chapter 7 case the Trustee has filed a final report and final account and has certified that the estate has been fully administered, and if within 30 days no objection has been filed by the United States Trustee or a party in interest, there shall be a presumption that the case has been fully administered. This rule supplements 11 U.S.C. Sec. 350, which states that after an estate is fully administered and the court has discharged the trustee, the Court shall close the case.

The abandonment of bankruptcy estate property is governed by 11 U.S.C. Sec. 554. Section 554(c) deems abandoned any scheduled property of the estate that is not administered at the close of the case. *In re Adair*, 253 B.R. (B.A.P. 9th Cir. 2000). However, Section 554(c) provides that the Court may order otherwise. 11 U.S.C. Sec. 554(c).

The Trustee does not want to keep this case open indefinitely for a Judgment and Turnover Order that may not be collected for years, if ever. Therefore the trustee has moved the Court for an order, pursuant to 11 U.S.C. Sec. 554, that the Judgment and Turnover Order is not deemed abandoned by the closing of this case and remains property of this bankruptcy estate pursuant to 11 U.S.C. Sec. 541.

NOTICE IS HEREBY GIVEN that any party objecting to the Trustees motion to retain the judgment against the debtor after the case closes, must file an objection to this notice within twenty-one (21) days from the mailing of this notice. The objection must be filed with the Clerk, United States Bankruptcy Court at 230 N. First Ave. #101, Phoenix, Az. 85003-1727 and a copy must be filed with the Trustee at the following address:

David A. Birdsell, Chapter 7 Trustee, 216 N. Center Mesa, Az. 85201

If no objections are filed opposing the Trustee's motion, the Trustee will seek an order approving the Trustee's Motion to Retain the Judgment and Turnover Order against the Debtor after this bankruptcy case closes.

Dated: 09-07-20

/s/ David A. Birdsell

David A. Birdsell, Trustee